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Title: Made a statement regarding detection, identification and deportation of illegal Bangladeshi immigrants by Maharashtra Government.

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): Mr. Speaker, Sir, various reports have appeared in the media regarding the deportation of Bangladeshi nationals from Maharashtra. Maharashtra Government has informed that they had dispatched three parties of deportees on 20th, 21st and 22nd July to West Bengal with 24, 34 and 38 deportees respectively.

According to the information furnished by the Government of Maharashtra, an elaborate procedure is followed for detection, identification and deportation of illegal Bangladeshi immigrants. The suspected foreigners are given adequate opportunity to produce proof of their national status by way of birth certificate, school leaving certificate, ration card, electoral identity card, domicile certificate, etc... (Interruptions)

SHRI G.M. BANATWALLA (PONNANI): No such opportunity is given... (Interruptions)... You are misguiding the House... (Interruptions)

MR. SPEAKER: Hon. Member, please sit down.

SHRI L.K. ADVANI: In the event of failure to produce any such document, the suspect is charged under the relevant provisions of the Passport (Entry into India) Act/rules and the Foreigners Act, and produced before a metropolitan magistrate who gives sufficient opportunity to such persons for producing proof of nationality. It is only in cases where no such evidence is produced to the satisfaction of the Court that the Court grants permission to the competent authority for deportation of such persons. The competent authority then issues the deportation order under Section 3(2)(c) of the Foreigners Act.

The powers of the Central Government under the Foreigners Act, 1946, Passport (Entry into India) Act, 1920 and the rules and orders framed thereunder have been entrusted to the State Governments and UTs with their prior consent, under Articles 258/239 of the Constitution. These powers inter alia include the power to detect and deport the foreign nationals staying illegally.

The procedure for detection and deportation of illegal Bangladeshi immigrants mentioned in para 2 above is being followed by Maharashtra and other States based on which such illegal immigrants are regularly being deported. Maharashtra Government has further informed that the illegal immigrants who were being taken for deportation through Indo-Bangladesh border in West Bengal were detected to be illegal immigrants in accordance with the above mentioned procedure. It has also been informed that the police parties escorting these deportees were carrying with them deportation order issued by the Deputy Commissioner of Police, Special Branch-I, CID, Mumbai.

First and third parties of 24 and 38 deportees respectively were handed over to the West Bengal Police at the instance of local district administration. The second party of 34 deportees was obstructed by a mob of about 9000 at Chengail Railway Station in Howrah District on 22.7.1998 which snatched away the deportees.

According to the information furnished by the Government of West Bengal, they have informed the Government of Maharashtra that prima facie it has transpired that some of the deportees brought by Maharashtra Police were Indian citizens belonging to some districts in West Bengal. They have also advised the Maharashtra Government that while deporting, they may ensure prior intimation and proper coordination with the West Bengal Police.

The Government of West Bengal has further reported that on a Writ Petition filed by some deportees, the Calcutta High Court has restrained the Union of India and others from deporting them till 28th August, 1998.

...(Interruptions)

MR. SPEAKER: The House shall now take up matters under Rule 377.

... (Interruptions)

MR. SPEAKER: This is in the court, please understand.

... (Interruptions)

MR. SPEAKER: No clarifications please. Shri Rameshwar Patidar to make his statement.

... (Interruptions)

MR. SPEAKER: Please allow him to make his statement.

... (Interruptions)

MR. SPEAKER: Nothing will go on record.

(Interruptions)*

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